

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON OCTOBER 6, 2004**

Members Present: Peter Lilienfield, Chairman
Carolyn Burnett
William Hoffman
Walter Montgomery, Secretary

Members Absent: Jay Jenkins

Also Present: Lino Sciarretta, Village Counsel
Florence Costello, Planning Board Clerk
Mary Beth Dooley, Environmental Conservation Board Member
(present from 8:50pm)
Edward P. Marron, Jr., Building Inspector
Applicants and other persons mentioned in these Minutes

IPB Matters

Considered: **02-11 – Geraldine McGowan-Hall – 200 Mountain Road/
Hermits Rd.**
Sht. 11, Lot P-7J
04-13 – Charles M. Pateman/Nicodemus – 200 Mountain Road
Sht. 11, Lot P27K
04-24 – Randy & Margaret Paul – One Langdon Avenue
Sht. 15, Lot P-119E
04-27 – Richard Wager – 63 Ardsley Avenue West
Sht. 7, P-43A2A2
04-30 – Jeffrey & Katherine Duarte – 32 Jaffray Court
Sht. 7C, B251, Lot 6
04-44 – John & Robin Abbott – 13 Lewis Road
Sht. 13B, Lot P-21
04-45 – Wilson Van Law & Sarah Fetherston – 26 North Dutcher Street
Sht. 5, B.209, Lot 31

**Open Space
Inventory**

Consideration: **04-46 – Charles M. Pateman – 225 Mountain Road**
Sht. 11, Lot P-31, P-41B

Carried Over: **94-03 – Westwood Development Associates, Inc. -- Phase 1
(Tract A)**
Sht. 10, P25J2, 25K2
Sht. 10C, Bl. 226, Lots 25A, 26A
Sht. 11, P-25J
**03-36 – Racwel Contracting & Construction Co., Inc. –
Dearman Close**
Sht. 10, Lot P-25J2-15
03-49 – Village of Irvington – Westwood Subdivision, Tract C
Sht. 11, Lot P-71, P-73 and P-75 (formerly Sht. 11,
Lot P-25J and P-25J2 and Sht. 10C, B. 226, Lot 27A)
04-35 – Brian & Maragaret Cuff – 3 Oak Street
Sht. 7A, B.236, Lot 1, 2
04-39 – Lundy/Chamberland – 31 East Clinton Avenue
Sht. 14, B.223, Lot 15, 15A

The applicant indicated that they had the appropriate documentation, but not in their possession at the meeting.

Comments from the Public

None.

Board Action

The Board determined that this matter could be treated as a Type II Action under SEQRA. Upon motion duly made and seconded, the Board Members present voted unanimously (4-0) to adopt the following resolution (subject to submission of proof of the proper mailing of the public notification):

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said May, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application conditioned on the Applicant providing the appropriate documentation regarding prior notification.

IPB Matter #04-45

**Application of Wilson Van Law & Sarah Fetherston for
Site Development Plan Approval for Property at 26
North Dutcher Street**

Proposal

Approval for an existing patio, installed in 2002, for which ex post facto variances were granted by the ZBA in 2003.

Representative

Mr. Fetherston

Plans

Hand drawing, with no date or author, 1 sheet.

Discussion

The Chairman noted this property is west of Broadway and therefore cannot be handled as a waiver due to the View-Preservation requirements of the Village Code. As a result, site development plan approval will need to be considered at a public hearing. Mr. Marron had no issues, nor did Mr. Mastromonaco, as stated in his memorandum of October 6, 2004.

Comments from the Public

None.

Board Action

The Board determined that the application was sufficiently complete to enable it to set a public hearing for its regular meeting of November 3.

IPB Matter #02-11:

Application of Geraldine McGowan-Hall for Site Development Plan Approval at 200 Mountain Road

Proposal

Renovation and expansion of an existing house, installation of a drain in the existing driveway, and closing one of the two existing driveway entrances.

Representatives

Wayne Timonen, architect, and Mr. Hall.

Plans

"Hall Residence, A Multi-Part Alteration/Addition, Gal Associates, September 20, 2004", 2 sheets.

Discussion

The Board opened a public hearing on this matter. Mr. Timonen said that the water line had been enlarged to 2" in diameter. The property is to be served by an existing septic system, although the Applicants agreed to connect to any public sewer that may be installed within two months of its being built. He also stated that the dimensions and design of the retaining wall along the eastern edge of the property had been altered since prior plans.

Mr. Mastromonaco, in his memorandum of October 6, 2004 said he had no issues. The Chairman read the Environmental Conservation Board's letter of October 6, 2004 to the IPB, expressing concern about the eventual connection to a public sewer (not currently being considered in the application, which relies on a septic system) and the history of household waste flowing into the stream on the property. Mr. Marron said the Applicants should address how the protection of the septic system and the concerns of the ECB should be resolved.

The Chairman indicated that he would request that the ECB provide written comment regarding its approval of the applicant's initial remediation plan and satisfaction with the implementation of such plan (if they had not already done so).

Comments from the Public

None.

Board Action

The Board determined that it would keep the public hearing open, pending receipt of the written assessment from the ECB, and this matter was continued.

IPB Matter #04-24

Application of Randy & Margaret Paul for Site Development Plan Approval for Property at One Langdon Avenue

Proposal

Demolition of a porch and construction of a deck.

Representative

Mr. Paul

Plans

No new plans were submitted.

Discussion

The Board opened a public hearing. The Chairman verified the location of the trees on the plans. Mr. Mastromonaco, in his memorandum of October 6, stated that he had no engineering concerns.

Comments from the Public

None.

Board Action

The public hearing was closed. The Board determined that this matter could be treated as a Type II Action under SEQRA. Upon motion duly made and seconded, the Board Members present unanimously voted (4-0) to grant Site Development plan approval for plans entitled: "Paul Residence, Proposed Deck, One Langdon Ave., Norman DiChiara, architect," 6 sheets, undated.

IPB Matter #04-27

Application of Richard Wager for Site Development Approval for Property at 63 Ardsley Avenue West

Proposal

Removal of two existing sheds attached to the house and construction of two gazebos, one attached and one detached; removal of an existing wire fence and installation of a new brick pool and yard enclosure; and construction of a new gravel parking area at the front of the house; removal of existing concrete stairs and replacement with a curved stone wall.

Representative

Mr. Wager

Plans

New plans: "Proposed Renovations to: The Wager Residence, 63 Ardsley Avenue West, William Figdor, AIA, Art+Architecture LLC, September 9, 2004", 1 sheet.

Discussion

The Board opened a public hearing. The Chairman cited two letters of October 4, 2004 and one of October 1, 2004 from Mrs. Barbara Frageman Casey, owner and resident of the eastern half of this dual-owner structure. In essence, the letters attested to agreement between the two ownership parties as to the nature of various changes being carried out by Mr. Wager, and also praised the work he is doing.

The Chairman noted that the Applicant had submitted revised plans. He raised the issue of the location of the pool and pool equipment within the front yard, and the need to measure setbacks perpendicular to the property line.

The Chairman also cited the comments of Mr. Mastromonaco in his memorandum of October 6, 2004 and confirmed with Mr. Wager that they would be fully addressed. The Chairman asked, too, that the plans be modified in accordance with the Board's stipulations and said that the public hearing would be continued at the Board's November Regular Meeting.

Comments from the Public

None.

Board Action

The Board continued the public hearing to the Regular Meeting in November to enable modification of the plans.

IPB Matter #04-30:

Application of Jeffrey & Katherine Duarte for Site Development Plan Approval for Property at 32 Jaffray Court

Proposal

Construction of a new second story over an existing one-story residence, with no increase in the structure's footprint.

Representative

Matthew Behrens, architect

Plans

New plans: "Addition/Alteration: Duarte Residence, 32 Jaffrey Court, First and Second Floor Construction Plans, September 20, 2004", 4 sheets.

Discussion

Mr. Behrens noted that, in response to the Board's concerns, which were expressed at previous meetings and during a site walk in August, and to those of neighbors, he lowered the pitch of the proposed roof. Also, "the look" of a dormer was added to the design of the second floor, and the roof ridge line was lowered by three feet. As a result, he claimed, the apparent bulk and massing of the planned structure were reduced.

Mr. Mastromonaco, in his memorandum of October 6, 2004 said he had no concerns. The Chairman said the Application was sufficiently complete and a public hearing could be set for the Board's Regular Meeting in November.

Comments from the Public

None.

Board Action

A public hearing was set for the November Regular Meeting.

OPEN SPACE INVENTORY CONSIDERATION

IPB Matter #04-46

Application of Charles M. Pateman for Site Development Plan Approval for Property at 255 Mountain Road

Proposal

Construction of an in-ground pool at the rear of a single-family dwelling.

Representative

Charles M. Pateman

Plans

"Proposed In-Ground Pool at: 255 Mountain Road, C&L Pateman Design and Consulting Co., September 23, 2004", 1 sheet.

Discussion

This matter was shown on the agenda as an Open Space Inventory Consideration, but given response from the ECB, as noted below, it was heard as a new matter. Mr. Pateman said this project would not involve re-grading or tree removal. Mr. Marron said that the proposed enclosure for the pool should be checked to ensure it meets all Code requirements. The Chairman stated that, in keeping with the Board's practice, this would be handled as site development plan approval rather than as a waiver.

Mr. Marron requested that the Applicant address pool drainage issues with a self-contained drywell system. Mary Beth Dooley of the Environmental Conservation Board questioned what would happen if underground rock formations are discovered during the digging for the pool. She also asked where the excavated material will be moved. In its letter to the Board of October 6, 2004, the ECB expressed its concerns about the presence of rock, the disposition of excavated material and the project's effects on grading and trees.

Mr. Pateman said that rather than remove rock, he would change the location of the pool, but that this could not be determined at this time. He also stated that excavated material would be removed from the property.

Mr. Marron said he would speak with Mr. Mastromonaco about drainage issues. In a memorandum of October 6, 2004 Mr. Mastromonaco noted the need for drawings properly completed by a design professional, and said that he would need to perform additional reviews of drawings.

Comments from the Public

None.

Board Action

The Board determined that the Application was sufficiently complete to set a public hearing for the Board's Regular Meeting in July November 3.

IPB Matter #04-13:

Application of Charles M. Pateman/Nicodemus for Determination of Site Capacity at 200 Mountain Road for Final Site Development Plan Approval/Water Bodies & Watercourses Permit and Freshwater Wetlands Permit.

Proposal Application is for site development plan approval to allow construction of a single family house on an existing lot. In addition to Final Site Development Plan Approval under Article XIV, the Board will also be addressing Water Bodies and Watercourses Permit under Article XXIII, and a Freshwater Wetlands Permit under Article XXV.

Representatives

Charles Pateman and Christopher Pateman, of C.M. Pateman & Associates.

Plans

No new plans were submitted.

Discussion

The Chairman said he was concerned about the status of the sewer approval being sought from the Town of Greenburgh, noting that the Board cannot move ahead without such approval. He also noted that the Board would review the Applicant's Environmental Assessment Form subsequent to such determination.

In addition, the Chairman cited the Environmental Conservation Board's letter of October 6, 2004 in which the ECB expressed continuing concerns over the need for written protocols for supervision of the construction-related work by an environmental consultant, the procedures for conducting and evaluating soil tests, and how the environmental mitigation measures are to be carried out and maintained.

Mr. Mastromonaco, in a memorandum of October 6, 2004 took issue with a previous suggestion by Mr. Coleman that Mr. Mastromonaco had recommended piping the stream on the property. Charles Pateman "strongly" disagreed with Mr. Mastromonaco's statement, saying that in fact such a recommendation had been made.

Comments from the Public

Mr. Jonathan Elwyn asked about the soil analysis that Mr. Pateman's environmental consultant, Steven Coleman, had earlier agreed would be completed before work was started on this proposed project. Charles Pateman stated that the Zoning Board of Appeals variance for the project was contingent upon a satisfactory completion of a soil analysis.

Board Action

The Board continued this matter.

IPB Matter #03-36

Application of Racwel Contracting & Construction Co., Inc. for Site Development Plan Approval for Lot #15 at Dearman Park

IPB Matter #04-04

Application of Jim & Vesna Rothschild for Site Development Plan Approval for Lot #13 at Dearman Park

IPB Matter #94-03

Application of Westwood Development Associates relative to the Dearman Park subdivision

Proposal

Site development plan approval to enable construction of single-family homes on these Dearman Park lots, formerly known as Tract A of Westwood.

Representative

Padriac Steinschneider of Gotham Design, Ltd.

Discussion of Lot 15 (IPB Matter # 03-36)

Plans

New plans submitted: "Landscaping, Plans and Elevations, dated August 31, 2004 by Gotham Design, Ltd." (3 sheets).

The Board first discussed Lot 15 of the Dearman Park Parcel (IPB Matter #03-36). The Chairman asked that the northern side of the parking courtyard be reduced in size due to its proximity to the side property line, and Mr. Steinschneider agreed. The Chairman also asked for detailed data on the proposed fence that would go on top of the retaining wall. With regard to Mr. Steinschneider's

landscaping plan, the Chairman asked for additional tree plantings and the replacement of trees along the road.

The Chairman also noted that Mr. Mastromonaco, in a memorandum of October 6, 2004 set forth his concerns regarding height, FAR, number of stories, setback dimensions, location of the garage, the storm water infiltration system, and other matters.

Comments from the Public

Mr. Reilly objected to any plan that would include consideration of a flat roof on a “traditional” house at this site.

Board Action

The Board determined that the Application was sufficiently complete to set a public hearing for the Board’s Regular Meeting in November.

Discussion of Lot 13 (IPB Matter #04-04)

The Chairman noted the ZBA’s denial of height and FAR variances for this proposal (ZBA #04-25, dated September 22, 2004). The Board held a discussion of ability of the site to accommodate a residence that is in keeping with the Zoning Ordinance, and the height of any proposed improvement relative to the site’s topography. Mr. Mastromonaco’s memorandum of October 6, 2004 was also noted.

Comments from the Public

None.

Board Action

The Board decided to remove Matter #04-04 from its agenda given the decision by the Zoning Board of Appeals until such time as the Application is modified and resubmitted.

Discussion of IPB Matter #94-03

Mr. Steinschneider raised an issue regarding the design of the fencing required along the road leading back to the Tischelman and Reilly properties. He indicated that the design incorporated in subdivision approval might not be feasible from an engineering perspective due to the integrity of the retaining wall. The Chairman expressed concern about the ability of the fence to withstand a significant impact, and requested that the applicant provide details regarding any potential change.

The Board approved the minute from its July 7, 2004 Regular Meeting.

The Board Meeting was adjourned at 10:18 p.m.

Respectfully submitted,

Walter Montgomery
Secretary